

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LAROY SADDLER,)
)
Plaintiff,)
)
vs.) Case No. 4:07CV1049 RWS
)
MIKE GOODRICH, et al.,)
)
Defendants.)

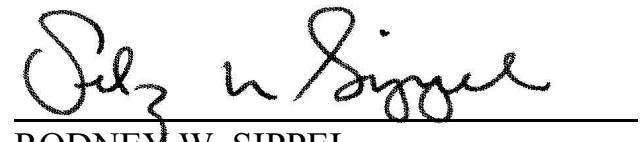
MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's second motion to appoint counsel. Because I continue to believe that appointment of counsel remains unnecessary at this time, I will deny the motion.¹ If plaintiff is having difficulty obtaining discovery responses, then he should file an appropriate motion. He does not need an attorney to conduct discovery.

¹As I stated before, there is no constitutional or statutory right to appointed counsel in a civil case. Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors including (1) whether the plaintiff has presented non-frivolous allegations supporting his prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. See Battle v. Armontrou, 902 F.2d 701, 702 (8th Cir. 1990); Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005. After considering these factors, I still believe that the facts and legal issues involved are not so complicated that the appointment of counsel is warranted at this time.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for appointment of counsel[#42] is **DENIED** without prejudice.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 6th day of February, 2008.